

W869 England Laws & Statutes. - VIII - B.N. 2/2
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Anno Regni CAROLI II. REGIS.

Anglia, Scotia, Francia & Hibernia,
Vicesimo secundo & vicesimo tertio

At the Parliament begun at *Westminster* the
Eighth day of *May*, Anno Dom. 1661. In the
Thirteenth Year of the Reign of our most
Gracious Sovereign Lord *Charles*, by the
Grace of God, of *England, Scotland, France* and
Ireland King, Defender of the Faith, &c.

And there continued by several Prorogations, to
the Fourteenth day of *February*, 16⁶⁹₇₀.

And thence continued to the 22th of *April* 1671. On which day the
said Parliament was Prorogued to the 16th day of *April* which
shall be in the year 1672.



L O N D O N ,

Printed by *Charles Bill* and *Thomas Newcomb*, Printers
to the King and Queens most Excellent Majesties.

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Anno XXII & XXIII.

C A R O L I I. R E G I S.

An Act for the Relief and Release of Poor Distressed Prisoners for Debt.



As much as very many Persons now Detained in Prison, are miserably Impoverished, either by reason of the late unhappy Times, the sad and dreadful Fire, their own Misfortunes, or otherwise, so as they are totally disabled to give any Satisfaction to their Creditors, and so become, without Advantage to any, a Charge and Burthen to the Kingdom, and by Noisomness (inseparably incident to extream Poverty) may become the occasion of Pestilence and Contagious

Diseases, to the great Prejudice of the Kingdom; Be it therefore Enacted by the Kings most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, That it shall and may be lawful to and for any Justice of the Peace of any County, City, Town or Liberty within the Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed, by Warrant under his Hand and Seal, to require the Sheriff, Goaler, or Keeper of any Prison within his respective Jurisdiction, to bring without delay, the Body of any Person, being in Prison for Debt on the Fourteenth day of April, One thousand six hundred seventy and one, or Damages (and Petitioning such Justice to be Discharged) to some convenient Place within the distance of One mile from the said Prison, and shall certifie the Cause and Causes of the Imprisonment, before the same Justice; Which Warrant every such Sheriff, Goaler and Keeper is hereby commanded to obey.

And in case such Prisoner coming before such Justice, shall take an Oath to this effect; (Viz.)

I A. B. do upon my Corporal Oath Solemnly Profess and Declare before Almighty God, That I have not any Estate Real or Personal, in Possession, Reversion, or Remainder, of the Value of Ten pounds in the whole, or sufficient to pay the Debt or Damages for which I am Imprisoned; And that I have not directly, or indirectly Sold, Leased, or otherwise Conveyed, Disposed of, or Entrusted all or any Part of my Estate, thereby to Secure the same, to receive or expect any Profit or Advantage thereof, or Defraud or Deceive any Creditor or Creditors whatsoever, to whom I stand Indebted.

Then after the taking of such Oath, the said Justice shall Remand the Prisoner to Prison, and shall give a Certificate thereof in Writing under his Hand and Seal, to the same Prisoner, to be served upon such Person or Persons, his, or her Executors or Administrators,

or to be left at the place of the usual abode of such Person or Persons at whose Suit the Prisoner standeth Charged and Imprisoned, thereby appointing as well the said Person or Persons, as the said Prisoner, to appear before the Justices at the next General Quarter Sessions of the Peace to be holden for the same County, City, Town, or Liberty; When if it shall appear upon Oath (which Oath the said Justices are Impowered to Administer) that the said Certificate was so served or left forty days or more before the said Sessions; And that the said Oath taken by the said Prisoner, be not disproved by good Testimony of any credible Person or Persons upon Oath, to be administered by the said Justices, by virtue of this Act; Then the said Justices being satisfied therein, shall direct their Warrant under their Hands and Seals, commanding the said Sheriff, Goaler, or Keeper of the Prison, to set at Liberty, and discharge the said Prisoner, if Imprisoned for the Causes aforesaid, and no other, without paying any thing for Fee, or Chamber-Rent; which Warrant shall be a sufficient Discharge to the same Sheriff, Goaler or Keeper of Prison, and no Action of Escape, or other Action, shall be brought against them, or any of them, for the same in any wise.

Provided also, and be it Enacted by the Authority aforesaid, That when such Prisoner or Prisoners for Debt shall have Legally taken the said Oath in this Act proposed to be taken, and shall have duly Summoned his or their Creditor or Creditors; And after the said forty days time, if the said Creditor or Creditors shall make no Discovery of his, her, or their Estates, nor disprove nor detect the said Prisoner or Prisoners of Forswearing themselves; That then if such Creditor or Creditors will not be satisfied therewith, (that the said Prisoner or Prisoners may be set at Liberty) or will insist to have the said Prisoner continued in Goal, That then the said Creditor or Creditors shall at his and their own proper Costs and Charges, allow and pay Weekly a reasonable Maintenance to the said Prisoner or Prisoners, such as the said Commissioners of the Peace, or any Three of them, in their respective Divisions, shall order and appoint, not exceeding Eighteen pence a Week; and upon Nonpayment of the same Weekly the said Prisoner or Prisoners shall be set at Liberty, according to the true intent and meaning of this Act.

And be it further Enacted by the Authority aforesaid, That upon any Action of Escape, or other Suit, brought or to be brought against any Sheriff, Goaler or Keeper of any such Prison, or other Officer or Person, for any thing done in Obedience to this Act, it shall and may be lawful to and for such Sheriff, Goaler or Keeper of Prison, or other Officer or Person, to plead the General Issue, and give this Act in Evidence, which shall be a good and sufficient Discharge, and shall save harmless every such Sheriff, Goaler or Keeper of Prison pleading the same; And if the Plaintiff in any such Action shall be Nonsued, or Verdict pass against him, the Defendant shall have double Costs, to be Taxed by the Court where such Action shall be brought.

Provided always, and be it further Enacted by the Authority aforesaid, That notwithstanding the Discharge of the Person of such Prisoner, as aforesaid, upon taking the Oath aforesaid, all and every Judgment had and taken against him or her, shall be, and stand good and effectual in the Law, to all intents and purposes against the Lands, Tenements, Hereditaments, Goods and Chattels only of the said Prisoner so Discharged as aforesaid; And it shall and may be lawful to and for such Creditor of such Prisoner or Prisoners so Discharged as

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Caroli secundi Regis.

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as aforesaid, his Executors, Administrators or Assigns, to take out any new Execution against the Lands, Tenements, Hereditaments, Goods and Chattels of such Prisoner or Prisoners (his or her wearing Apparel, Bedding for him and his or her Family, and Tools necessary for his or her Trade and Occupation only excepted) for the satisfaction of his or their said Debt, in such sort, manner and form, as he or they might have done, if the person or persons of such Prisoner or Prisoners had never been taken in Execution; Any Act, Statute or Custom to the contrary notwithstanding.

Provided also, and be it further Enacted by the Authority aforesaid, That if at any time after the taking of the said Oath, the said Prisoner or Prisoners, shall upon any Indictment or Indictments, or by his or their own Confession, or Verdict of Twelve Men, be Convicted of False Swearing in any Point or Article contained in the said Oath, as he or they shall or may be by force of this Act, Then such Prisoner or Prisoners so Convicted as aforesaid, shall suffer all such Pains and Forfeitures, as by the Statute of Quinto of Queen Elizabeth, are to be inflicted upon any person Convicted of wilful Perjury. And also the Court by Process out of which the Prisoner was Imprisoned, shall Award a Capias ad satisfaciendum infinite, or other Process, directed to any Sheriff or Sheriffs, for the Apprehending of the said Prisoner, and upon Return of Capi Corpus, shall remand the said Prisoner into the Prison whence he or she was dismissed, there to remain in Execution, in such manner and condition as he or she was before his or her said Enlargement; And then and from thenceforth he or she shall be adjudged to be in Execution fully, as if he or she had never been discharged thereof; And the Execution and Executions upon his or her Lands, Tenements, Hereditaments, Goods and Chattels, if any such happen to be, after his or her said Discharge out of Prison, and before he or she shall be Remanded, shall stand also good and effectual in Law; Any Act, Statute, or Custom to the contrary notwithstanding.

Provided, and be it Enacted by the Authority aforesaid, That in case any Sheriff, Gaoler or Keeper of Prison, shall refuse or delay to Bring, or Discharge or set at Liberty any Prisoner according to the Order of the Justice or Justices, to be made in manner as aforesaid, Every such Sheriff, Gaoler or Keeper of Prison, shall forfeit and pay to such Prisoner detained contrary to such Order, the Sum of One hundred pounds, to be Recovered by Action of Debt in any Court of Record, and shall be also subject to any Fine and Punishment, as the said Justices shall Order or Award.

And whereas it is found by common experience, That such person or persons that are under Arrests, or committed to the Custody of Sheriffs, Bailiffs, Gaolers, Keepers of Prisons or Goals, are much abused and wronged by extorting of great Fees, Rewards, and other Exactions, and put to great Expences under pretences of labour, or otherwise, whereby they are greatly oppressed, and many times ruined in their Estates: For remedy thereof, Be it Enacted by the Authority aforesaid, That if any Under-Sheriff, Bailiff, Serjeant at Mace, or other Officer or Minister whatsoever, shall at any time or times hereafter, have in his or their Custody, any person or persons, by virtue or colour of any Writ, Process, or other Warrant whatsoever, It shall not be lawful for such Officer or Officers to convey or carry, or cause to be conveyed or carried, the said person or persons to any Tavern, Ale-house, or other Publick Drinking or Drinking house, without the free and voluntary consent of the said person

or to be left at the place of the usual abode of such Person or Persons at whose Suit the Prisoner standeth Charged and Imprisoned, thereby appointing as well the said Person or Persons, as the said Prisoner, to appear before the Justices at the next General Quarter Sessions of the Peace to be holden for the same County, City, Town, or Liberty; When if it shall appear upon Oath (which Oath the said Justices are Impowered to Administer) that the said Certificate was so served or left Forty days or more before the said Sessions; And that the said Oath taken by the said Prisoner, be not disproved by good Testimony of any credible Person or Persons upon Oath, to be administered by the said Justices, by virtue of this Act; Then the said Justices being satisfied therein, shall direct their Warrant under their Hands and Seals, commanding the said Sheriff, Goalster, or Keeper of the Prison, to set at Liberty, and Discharge the said Prisoner, if Imprisoned for the Causes aforesaid, and no other, without paying any thing for Fee, or Chamber-Rent; which Warrant shall be a sufficient Discharge to the same Sheriff, Goalster or Keeper of Prison, and no Action of Escape, or other Action, shall be brought against them, or any of them, for the same in any wise.

Provided also, and be it Enacted by the Authority aforesaid, That when such Prisoner or Prisoners for Debt shall have Legally taken the said Oath in this Act proposed to be taken, and shall have duly Summoned his or their Creditor or Creditors; And after the said Forty days time, if the said Creditor or Creditors shall make no Discovery of his, her, or their Estates, nor disprove nor detect the said Prisoner or Prisoners of Forswearing themselves; That then if such Creditor or Creditors will not be satisfied therewith, (that the said Prisoner or Prisoners may be set at Liberty) or will insist to have the said Prisoner continued in Goal, That then the said Creditor or Creditors shall at his and their own proper Costs and Charges, allow and pay Weekly a reasonable Maintenance to the said Prisoner or Prisoners, such as the said Commissioners of the Peace, or any Three of them, in their respective Divisions, shall order and appoint, not exceeding Eighteen pence a Week; and upon Nonpayment of the same Weekly the said Prisoner or Prisoners shall be set at Liberty, according to the true intent and meaning of this Act.

And be it further Enacted by the Authority aforesaid, That upon any Action of Escape, or other Suit, brought or to be brought against any Sheriff, Goalster or Keeper of any such Prison, or other Officer or Person, for any thing done in Obedience to this Act, it shall and may be lawful to and for such Sheriff, Goalster or Keeper of Prison, or other Officer or Person, to plead the General Issue, and give this Act in Evidence, which shall be a good and sufficient Discharge, and shall save harmless every such Sheriff, Goalster or Keeper of Prison pleading the same; And if the Plaintiff in any such Action shall be Nonsuited, or Verdict pass against him, the Defendant shall have double Costs, to be Taxed by the Court where such Action shall be brought.

Provided always, and be it further Enacted by the Authority aforesaid, That notwithstanding the Discharge of the Person of such Prisoner, as aforesaid, upon taking the Oath aforesaid, all and every Judgment had and taken against him or her, shall be, and stand good and effectual in the Law, to all intents and purposes against the Lands, Tenements, Hereditaments, Goods and Chattels only of the said Prisoner so Discharged as aforesaid; And it shall and may be lawful to and for such Creditor of such Prisoner or Prisoners so Discharged as

as aforesaid, his Executors, Administrators or Assigns, to take out any new Execution against the Lands, Tenements, Hereditaments, Goods and Chattels of such Prisoner or Prisoners (his or her wearing Apparel, Bedding for him and his or her Family, and Tools necessary for his or her Trade and Occupation only excepted) for the satisfaction of his or their said Debt, in such sort, manner and form, as he or they might have done, if the person or persons of such Prisoner or Prisoners had never been taken in Execution; Any Act, Statute or Custom to the contrary notwithstanding.

Provided also, and be it further Enacted by the Authority aforesaid, That if at any time after the taking of the said Oath, the said Prisoner or Prisoners, shall upon any Indictment or Indictments, or by his or their own Confession, or Verdict of Twelve Men, be Convicted of False Swearing in any Point or Article contained in the said Oath, as he or they shall or may be by force of this Act, Then such Prisoner or Prisoners so Convicted as aforesaid, shall suffer all such Pains and Forfeitures, as by the Statute of Quinto of Queen Elizabeth, are to be inflicted upon any person Convicted of wilful Perjury. And also the Court by Process out of which the Prisoner was Imprisoned, shall Award a Capias ad satisfaciendum infinite, or other Process, directed to any Sheriff or Sheriffs, for the Apprehending of the said Prisoner, and upon Return of Capi Corpus, shall remand the said Prisoner into the Prison whence he or she was dismissed, there to remain in Execution, in such manner and condition as he or she was before his or her said Enlargement; And then and from thenceforth he or she shall be adjudged to be in Execution fully, as if he or she had never been discharged thereof; And the Execution and Executions upon his or her Lands, Tenements, Hereditaments, Goods and Chattels, if any such happen to be, after his or her said Discharge out of Prison, and before he or she shall be Remanded, shall stand also good and effectual in Law; Any Act, Statute, or Custom to the contrary notwithstanding.

Provided, and be it Enacted by the Authority aforesaid, That in case any Sheriff, Gaoler or Keeper of Prison, shall refuse or delay to Bring, or Discharge or set at Liberty any Prisoner according to the Order of the Justice or Justices, to be made in manner as aforesaid, Every such Sheriff, Gaoler or Keeper of Prison, shall forfeit and pay to such Prisoner detained contrary to such Order, the Sum of One hundred pounds, to be Recovered by Action of Debt in any Court of Record, and shall be also subject to any Fine and Punishment, as the said Justices shall Order or Award.

And whereas it is found by common experience, That such person or persons that are under Arrests, or committed to the Custody of Sheriffs, Bayliffs, Gaolers, Keepers of Prisons or Goals, are much abused and wronged by extorting of great Fees, Rewards, and other Exactions, and put to great Expences under pretences of labour, or otherwise, whereby they are greatly oppressed, and many times ruined in their Estates: For remedy thereof, Be it Enacted by the Authority aforesaid, That if any Under-Sheriff, Bayliff, Serjeant at Mace, or other Officer or Minister whatsoever, shall at any time or times hereafter, have in his or their Custody, any person or persons, by virtue or colour of any Writ, Process, or other Warrant whatsoever, It shall not be lawful for such Officer or Officers to convey or carry, or cause to be conveyed or carried, the said person or persons to any Tavern, Ale-house, or other Publick Drinking or Drinking house, without the free and voluntary consent of the said person

person or persons, so as to charge such Prisoner with any Sum of Money for any Wine, Beer, Ale, Victuals, Tobacco, or any other things whatsoever, but what the said person or persons shall call for, of his, her, or their own accord; And shall not demand, take or receive, or cause to be demanded, taken or received, directly or indirectly, any other or greater Sum or Sums, then what by Law ought to be taken or demanded for such Arrest, Taking, or Waiting (until such person or persons shall have procured an Appearance, found Bail, agreed with his or their Adversaries, or be sent to the proper Goal belonging to the County, City, Town or Place where such Arrest or Taking shall be) nor take and exact any other Reward or Gratuity, for so keeping the said person or persons out of the Goal or Prison, then what he, she, or they shall or will, of his, her, or their own accord, voluntarily and freely give; Nor take nor receive any other or greater Sum or Sums for each nights Lodging, or other expences, then what is reasonable and fitting in such cases, or shall be so adjudged by the next Justice of the Peace, or at the next Quarter Sessions; And shall not cause or procure the said person or persons to pay for any other Wine, Beer, Ale, Victuals, Tobacco, or other things then what the said person or persons shall voluntarily, particularly, and freely call for.

And that every Under-Sheriff, Goaler, Keeper of Prison or Goal, and every person or persons whatsoever, to whose Custody any person or persons shall be delivered or committed, by virtue of any Writ or Process, or any pretence whatsoever, shall permit and suffer the said person or persons, at his and their will and pleasure, to send for, and have any Beer, Ale, Victuals, and other necessary food, where, and from whence they please; as also to have and use such Bedding, Linen, and other things, as the said person or persons shall think fit, without any purloining, detaining or paying for the same, or any part thereof; nor shall demand, take or receive of the said person or persons, any other or greater Fee or Fees, whatsoever, for his or their Commitment, Release, or Discharge, or for his, her, or their Chamber rent, then what is allowable by Law, until the same shall be Settled by Three Justices of the Peace, whereof one to be of the Quorum, of each particular County, City, and Town corporate, in their several Precincts; And for the City of London, and Counties of Middlesex and Surrey, the Two Lords Chief Justices of the Kings Bench and Common Pleas, and the Lord Chief Baron, or any two of them, and the Justices of the Peace of the same, in their several Jurisdictions.

And likewise that the said Lords Chief Justices, Lord Chief Baron, and Justices of the Peace in their several Jurisdictions, and all Commissioners for Charitable Uses, do use their best endeavours and diligence to examine and find out the several Legacies, Gifts and Bequests bestowed and given for the Benefit and Advantage of the poor prisoners for Debt, in the several Goals and Prisons in this Kingdom, and to send for any Deeds, Wills, Writings, and Books of Accompts whatsoever, and any person or persons concerned therein, and to Examine them upon Oath, to make true Discovery thereof, (which they have full Power and Authority hereby to do) and the same so found out and ascertained, to Order and Settle in some manner and way, that the Prisoners hereafter may not be defrauded, but receive the full Benefit thereof, according to the true intent of the Donors.

And

And that these Accounts of the severall Legacies, Gifts and Bequests given and bestowed upon the severall Prisoners for Debt within this Kingdom, and the severall Rates of Fees, and the future Government of Prisons, be Signed and Confirmed by the Lord Chief Justices, and Lord Chief Baron, or any two of them for the time being, and the Justices of the Peace in London, Middlesex, and Surrey, and by the Judges for the severall Circuits, and Justices of the Peace for the time being, in their severall Precincts, and fairly written, and hung up in a Table in every Goal and Prison, before the First day of November, One thousand six hundred seventy and one, and likewise be Registered by each and every Clerk of the Peace within his or their particular Jurisdiction; And after such Establishment, no other greater Fee or Fees then shall be so Established, shall be demanded or received.

And whereas it is become the common practice of Goalers and Keepers of Newgate, the Gatehouse at Westminster, and sundry other Goals and Prisons, to Lodge together in one Room or Chamber and Bed, Prisoners for Debt, and Felons, whereby many times honest Gentlemen, Tradersmen and others, Prisoners for Debt, are disturbed and hindered in the Night-time from their natural Rest, by reason of their Fetters and Irons, and otherwise much offended and troubled by their lewd and prophane Language and Discourses, with most horrid Cursing and Swearing (much accustomed to such persons) Be it Enacted by the Authority aforesaid, That it shall not be lawful hereafter for any Sheriff, Goaler or Keeper of Goal or Prison, to put, keep or lodge Prisoners for Debt and Felons together in one Room or Chamber; but that they shall be put, kept and lodged separate and apart one from another, in distinct Rooms, upon pain that he, she or they which shall offend against this Act, or the true intent and meaning thereof, or any part thereof, shall forfeit and lose his or her Office, Place or Employment, and shall forfeit treble Damages to the Party grieved, to be recovered by virtue of this Act; Any Law, Statute, Usage, or Custom to the contrary in any wise notwithstanding.

Anno XXX.

CAROLI II. REGIS.

An Act for the further Relief and Discharge of Poor Distressed Prisoners for Debt.



Whereas by an Act of this present Parliament, made in the Two and twentieth and Three and twentieth years of the Reign of our Sovereign Lord King Charles the Second (Intituled, An Act for Relief and Release of Poor Distressed Prisoners for Debt) Provision hath been made for Relief and Release of such Prisoners as were in Prison for Debt or Damages upon the Fourteenth day of April, One thousand six hundred seventy and one, in such way and manner as in the said Act is provided and declared; Notwithstanding which, the persons of such Prisoners have not been discharged of their Imprisonments, the words Debt or Damages mentioned in the said Act, being construed doubtful, as not warranting the Discharge of any Prisoner, unless Charged in Execution.

For Explanation whereof, and to supply other Defects which have obstructed the good ends and purposes of the said Act, Be it now Enacted by the Kings most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, That all persons being in Prison upon the Nine and twentieth day of May, One thousand six hundred seventy and eight, being the Anniversary day of His Majesties Birth and happy Restauration, for Debt or Damages, or for or upon any Action or Actions, or upon any Mean-Process for Debt, Account or Trespass upon the Case, which Actions by Prosecution of Law may be Judgments for Debt or Damages, or who have Judgments entred upon Record against them, or are Charged in Execution, or Imprisoned upon Attachments for Debt, or upon Outlawries before or after Judgment for Debts, or upon any other Process whatsoever issuing out of any Court of Law or Equity, for the Cause of Debt or Damages, or Costs only, whether the said persons were in Prison upon the said Fourteenth day of April, One thousand six hundred seventy and one, and have taken the Oath in the said Act mentioned, or have been Committed to Prison since that time, who shall take the Oath in the said recited Act mentioned, shall and may be Released and Discharged from their Imprisonments, in such way and manner as such as were in Prison for Debt or Damages upon the said Fourteenth day of April, One thousand six hundred seventy and one, by the former Act were or might have been, in case the said Debt and Damages had been ascertained by Judgment.

And all Justices of the Peace within their several Counties and Divisions, are hereby Authorized and Impowered to put in Execution

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tion all such Powers, Directions and Authorities, for the full Release and Discharge of such persons as were in Prison on the said Fourteenth day of April; One thousand six hundred seventy and one, as aforesaid, and of all such other persons as have been since that time committed to Prison, and are in Prison on the said Nine and twentieth day of May, as aforesaid, as the said former Act hath made and provided for the Release and Discharge of such who were in Prison for Debt or Damages upon the said Fourteenth day of April; One thousand six hundred seventy and one, and every Clause, Matter and Thing in the said former Act contained, shall be construed and taken to the benefit and advantage of such as shall be in Prison upon the said Nine and twentieth day of May, One thousand six hundred seventy and eight, as fully and amply as by the said Act it ought to have been, for the Benefit and Discharge of such as were in Prison on the said Fourteenth day of April, One thousand six hundred seventy and one.

And whereas by the said former Act it is provided, That if any Creditor shall insist to have his Debtor continued in Prison after he hath taken the said Oath, and will allow him a weekly Maintenance to be appointed by the Justices of the Peace, not exceeding Eighteen pence the week, the same Prisoner shall continue and be detained in Prison: Be it now Enacted by the Authority aforesaid, That such weekly Allowance shall be paid to the Prisoner himself, and not to the Goal-keeper, or any other person for him; and if within the space of Three Months after such weekly Allowance by any Creditor, no Estate of the Prisoner shall be discovered or made out before Two Justices of the Peace of that County and Division where the said Prisoner is kept in Prison, then the said Prisoner shall forthwith be discharged by Warrant under the Hands and Seals of any Two Justices of the Peace of the same County and Division where the said Prisoner shall be so in Prison, to the Keeper of such Prison in that behalf directed, as fully and amply as if such Prisoner had been Discharged by the Justices of the Peace at their Quarter Sessions, as in the said recited Act is mentioned; and that then and from thenceforth the said weekly Allowance shall cease and determine, as if the same had never been made.

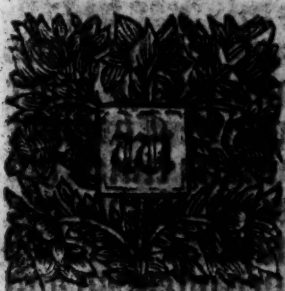
And all Prisoners by this present Act, or by the said former Act Freed and Discharged from their Imprisonments, are hereby Acquitted and Discharged of and from the payment of Chamber Rent, and all and every other Fee and Fees due to the Goal-keeper or Keeper of such Prison or Prisons in any manner or wise.

And be it further Enacted by the Authority aforesaid, That no Prisoner Discharged out of Prison by virtue of this present Act, or by virtue of the said recited Act, shall at any time hereafter be Imprisoned for or by reason of any Debt or Damages, or any Sum or Sums of Money contracted or grown due to, or recovered by any person or persons at whole Suit the said Prisoner did then stand Charged in any Prison, or any other person or persons to whom such Prisoner did give notice under the Hand and Seal of some Justice of the Peace of the same County, City or Place, the space of Forty days before the time of his Discharge, of his intention to receive the benefit of this Act, and of the way and course he intended to take for obtaining the same, before the time of their Discharges, as aforesaid; But that upon any Arrest for such Debt, Damages, or Sums of Money, it shall or may be lawful for them, shewing a Duplicate

Anno XXX.

CAROLI II REGIS

An Act for the further Relief and Discharge of Poor Distressed Prisoners for Debt.



Whereas by an Act of this present Parliament, made in the Two and twentieth and Three and twentieth years of the Reign of our Sovereign Lord King Charles the Second (Intituled, An Act for Relief and Release of Poor Distressed Prisoners for Debt) Provision hath been made for Relief and Release of such Prisoners as were in Prison for Debt or Damages upon the Fourteenth day of April, One thousand six hundred seventy and one, in such way and manner as in the said Act is provided and declared; Notwithstanding which, the persons of such Prisoners have not been discharged of these Imprisonments, the said Debt or Damages mentioned in the said Act, being construed doubtful, as not warranting the Discharge of any Prisoner, unless Charged in Execution.

For Explanation whereof, and to supply other Defects which have obstructed the good ends and purposes of the said Act, Be it now Enacted by the Kings most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, That all persons being in Prison upon the Nine and twentieth day of May, One thousand six hundred seventy and eight, being the Anniversary day of His Majesties Birth and happy Restoration, for Debt or Damages, or for or upon any Action or Actions, or upon any Writ or Process for Debt, Account or Trespass upon the Case, which Actions by Prosecution of Law may be Judgments for Debt or Damages, or who have Judgments entered upon Record against them, or are Charged in Execution, or Imprisoned upon Attachments for Debt, or upon Outlawries before or after Judgment for Debts, or upon any other Process whatsoever issuing out of any Court of Law or Equity, for the Cause of Debt or Damages, or Costs only, whether the said persons were in Prison upon the said Fourteenth day of April, One thousand six hundred seventy and one, and have taken the Oath in the said Act mentioned, or have been Committed to Prison since that time, who shall take the Oath in the said recited Act mentioned, shall and may be Released and Discharged from their Imprisonments, in such way and manner as such as were in Prison for Debt or Damages upon the said Fourteenth day of April, One thousand six hundred seventy and one, by the former Act were or might have been, in case the said Debt and Damages had been ascertained by Judgment.

And all Justices of the Peace within their several Counties and Divisions, are hereby Authorized and Impowered to put in Execution

tion all such Powers, Directions and Authorities, for the full Release and Discharge of such persons as were in Prison on the said Fourteenth day of April; One thousand six hundred seventy and one; as aforesaid, and of all such other persons as have been since that time committed to Prison, and are in Prison on the said Nine and twentieth day of May, as aforesaid, as the said former Act hath made and provided for the Release and Discharge of such who were in Prison for Debt or Damages upon the said Fourteenth day of April; One thousand six hundred seventy and one, and every Clause, Matter and Thing in the said former Act contained, shall be construed and taken to the benefit and advantage of such as shall be in Prison upon the said Nine and twentieth day of May, One thousand six hundred seventy and eight, as fully and amply as by the said Act it ought to have been, for the Benefit and Discharge of such as were in Prison on the said Fourteenth day of April, One thousand six hundred seventy and one.

And whereas by the said former Act it is provided, That if any Creditor shall insist to have his Debtor continued in Prison after he hath taken the said Oath, and will allow him a weekly Maintenance to be appointed by the Justices of the Peace, not exceeding Eighteen pence the week, the same Prisoner shall continue and be detained in Prison: Be it now Enacted by the Authority aforesaid, That such weekly Allowance shall be paid to the Prisoner himself, and not to the Goal-keeper, or any other person for him; and if within the space of Three Months after such weekly Allowance by any Creditor, no Estate of the Prisoner shall be discovered or made out before Two Justices of the Peace of that County and Division where the said Prisoner is kept in Prison, then the said Prisoner shall forthwith be discharged by Warrant under the Hands and Seals of any Two Justices of the Peace of the same County and Division where the said Prisoner shall be so in Prison, to the Keeper of such Prison in that behalf directed, as fully and amply as if such Prisoner had been Discharged by the Justices of the Peace at their Quarter Sessions, as in the said recited Act is mentioned; and that then and from thenceforth the said weekly Allowance shall cease and determine, as if the same had never been made.

And all Prisoners by this present Act, or by the said former Act freed and Discharged from their Imprisonments, are hereby Acquitted and Discharged of and from the payment of Chamber Rent, and all and every other Fee and Fees due to the Goal-keeper of such Prison or Prisons in any manner or wise.

And be it further Enacted by the Authority aforesaid, That no Prisoner Discharged out of Prison by virtue of this present Act, or by virtue of the said recited Act, shall at any time hereafter be Imprisoned for or by reason of any Debt or Damages, or any Sum or Sums of Money contracted or grown due to, or recovered by any person or persons at whole Suit the said Prisoner did then stand Charged in any Prison, or any other person or persons to whom such Prisoner did give notice under the Hand and Seal of some Justice of the Peace of the same County, City or Place, the space of forty days before the time of his Discharge, of his intention to receive the benefit of this Act, and of the way and course he intended to take for obtaining the same, before the time of their Discharge, as aforesaid; But that upon any Arrear for such Debt, Damages, or Sums of Money, it shall or may be lawfull for them, receiving a Duplicate

of their Discharge under the Bands and Seals of the Justices of the Peace by whom they were Discharged, or of any Two of them, or of such Justices of the Peace, in case such Prisoner be Discharged after an allowance of Maintenance by the Creditor for Three Months, as aforesaid, which the said Justices are hereby required to give to every Prisoner so by them Discharged, to retain an Attorney to appear for them, and file Common Bail to every such Action, and Plead thereto; so that the Plaintiff, if he please, may recover, and enter Judgment against such Prisoner, to be executed and levied upon the Lands, Tenements, Goods and Chattels of such Prisoner so Discharged, as aforesaid, his or her Wearing Apparel, Furniture for his or her Dwelling house, the said Furniture not exceeding Ten pounds in value, and necessary Tools for his or her Trade and Occupation only excepted, but not upon the person of the Prisoner, the persons of such Prisoners being hereby forever freed and Discharged from Imprisonment for any Debt, Trespass upon the Case, Duty, Sum or Sums of Money, or thing thereunto relating, Contracted or due before the time of their Discharge, having had notice, as aforesaid.

And be it Enacted by the Authority aforesaid, That in case any Sheriff, Gaoler, and Keeper of Prison shall refuse and delay to bring and Discharge, and set at Liberty any Prisoner or Prisoners, according to the Order of the Justice or Justices of the Peace made in pursuance of this Act, or of the said former recited Act: Every such Gaoler, Sheriff, or Keeper of Prison, shall forfeit and pay to such Prisoners so detained contrary to such Order, the Sum of Twenty pounds, to be recovered by Action of Debt in any of His Majesty's Courts of Record, and shall also be subject to such Fine and Punishment as the said Justices of the Peace shall upon complaint thereof to them made Order and Award.

And be it further Enacted by the Authority aforesaid, That upon any Action of Escape, or other Suit brought or to be brought against any Justice of the Peace, Sheriff, Gaoler, or Keeper of Prison, for any thing done in obedience to this Act, it shall and may be lawful for and for any such Justice of the Peace, Sheriff, Gaoler and Keeper of Prison, to plead the General Issue, and give this Act in Evidence, which shall be a good and sufficient Discharge, and shall save harmless every such Justice of the Peace, Sheriff, Gaoler or Keeper of Prison pleading the same; And if the Plaintiff in any such Action shall be Non-suited, or Verdict shall be against him, the Defendant shall have double Costs, to be taxed by the Court where such Action is brought.

Provided always, and be it Enacted, That the Discharge of any person or persons by virtue of this Act, shall not amount unto, or be construed to free or Discharge any other person or persons jointly or severally bound for, or liable to answer or satisfy the said Debt, or any part thereof, either as Principal or Surety, but that such other person or persons shall be liable to answer the said Debt and Damages in such manner, in all intents and purposes, as they were before the Discharge of such Prisoner.

Provided also, That no person shall be Discharged by this Act, that hath not, or shall not before such Oath made have remained in Prison by the space of Six months.

Provided also, That no person by virtue of this Act shall be discharged out of Prison, who shall stand Charged in Execution with more then the Sum of Five hundred pounds to any one person, Principal Money, and Damages.

Provided

It is Prohibited also, That no Creditor insisting to have his Debtor continued in Prison, shall be bound to make any Weekly Allowance for the Subsistence of the Prisoner, where the Father, Mother, Son or Daughter, or other person who by the Laws of this Realm are bound to Maintain him in Discharge of the Parish, if he were at large, are of sufficient Ability to Maintain such Prisoner.

It is Provided also, and be it Enacted, That if any Creditor insisting to have his Debtor continued in Prison, and Ordered to make Allowance towards his Maintenance, shall desire to have his Debtor, being a person formerly using any Handicraft or Day-labour, removed to any publick Workhouse, there to be kept at hard Labour, and shall within One week next after notice of such Order for making Allowance, or his own proper Costs and Charges, cause such Prisoner by Habeas Corpus and Commitment, or other Order, to be removed to any publick Workhouse in the same County where the said Prison is, or within Twenty miles distance of the said Prison, That then such Prisoner so removed to the said Workhouse, shall and may be there held to Labour suitable to his Ability, and the Creditor or Creditors shall afterwards contribute towards his Maintenance, only such Sum as over and above the profit of his Labour shall be requisite to Maintain him, to be ascertained by the two next Justices of Peace; And in case the profit of his Labour shall exceed the value of his Maintenance, One moiety of the overplus shall go towards the payment of his Debts for which he remains in Execution; the other Moiety shall be paid to the hands of the said Prisoner, the said Moieties to be distributed accordingly by the two next Justices of the Peace.

And be it further Enacted, That after any person shall by virtue of this Act have continued at any Workhouse by the space of Two years, he is then to be discharged from his Imprisonment, and enjoy the full Benefit of this Law.

And be it Enacted, That any Judge of such Court whereto such Debtor is a Prisoner, or the two next Justices of the Peace to such Workhouse, shall and may have power to commit such Debtor, being brought before him or them by Habeas Corpus, or Order under the Hands and Seals of two such Justices, unto any Workhouse within the County where such Prison is, there to remain according to this Act.

It is Prohibited always, and be it Enacted, That if any Prisoner that shall be Released by virtue of this Act, shall at any time afterwards be found or suspected by any of his Creditors to have in ready Money, Goods or Chattels in his own hands and possession, or in the hands of any others, to his or her use, or in Trust for him or her, in value over and above what he or she is allowed by this or the said former Act to have; or if he or she shall have such Goods in his Shop or Workhouse as he shall have been Credited or Trusted with since the time of his Discharge, and for what he shall be really Indebted at the time of his making such Oath, and he or she will not or do not upon convenient Demand, pay his or her Debt or Debts therewith, as far as the same will reach, That then, and in such case, at the Request of any Creditor, the said Oath shall be tendered to him or her again, by any Justice of the Peace in this Act before Impowered to Administer the said Oath for Discharge of Prisoners, or by any Judge of the Court wherein there is Judgment against him, which he or she refusing to take, shall be Remanded to Prison in Execution for such Debt or Debts; Any thing in this Act to the contrary notwithstanding.

Prohibited

Provided also, That this Act shall not extend to any person or persons in Execution for any Fine on him or her Imposed for any Offence committed before the said Nine and twentieth day of May, One thousand six hundred seventy and eight.

Provided that such person or persons as is or are detained in Prison upon any Writ Process, if it shall be desired by any Creditor, before any Justice of the Peace to whom such Prisoner hath applied for his Discharge, shall forthwith give a Warrant to some Attorney to Appear, or File common Bail for him or them, in the Court out of which the said Writ Process Issued, and to receive a Declaration at the Plaintiffs Suit, and that such Prisoner shall thereupon have the full Benefit of this Law, as to the Liberty of his Person, against his said Imprisonment upon the said Writ Process, and against any Judgment or Execution that shall be had against him in that Suit, and against any other Suit that shall be brought against him for the same Matter or Cause of Action, to all intents and purposes, as fully and beneficially as if he had been Charged in Execution at the said Plaintiffs Suit before the Nine and twentieth of May, One thousand six hundred seventy and eight; but such Prisoner upon Writ Process, shall, in case of his refusal to give such Warrant of Attorney, lose the whole Benefit of this Law.

Provided always, That no Merchant Stranger, or other Alien or Foreigner that hath been Arrested, and is in Prison on any Action or Suit, for or by reason of any Debt, or other Engagement Contracted or Entred into beyond the Seas, shall have any Benefit by this Act; but that all and every such Merchant Stranger, or other Alien or Foreigner, shall and may be detained in Prison, and proceeded against as if this Act had never been made.

Provided always, That no Prisoner shall be Discharged by virtue of this Act, until he shall before the Justices of the Peace who are by this Act Impowered to Discharge him, Declare upon his Corporal Oath (which Oath the said Justices are hereby appointed to administer) what Effects are belonging to him, or what Debt or Debts are then owing to him within any of His Majesties Dominions, or elsewhere, and by whom, and for what Cause, and upon what Security; of all which a Schedule shall be made in the presence of such Justices, and Subscribed by the Prisoner, and shall be by such Justices Returned to the next Sessions, there to be kept for the better Information of the Creditors of such Prisoner, who, or such of them as will join, may thereupon Sue for such Debts, or so much thereof as will reasonably satisfy them, in the name of the Prisoner, and after the same Recovered and Received, to render the overplus (their own Debts and Charges first deducted) to the Prisoner.

Provided always (and to deter all persons who are by the Charitable intention of this Act to be Relieved, from abusing the Favour hereby to them intended) That if any person, who shall in pursuance of this Act take this Oath for any of the purposes hereby appointed, shall Forswear or Perjure himself, Then such person being thereof lawfully Convicted, shall beyond, and over and above the Penalties which may by the Law now in being be Incurred, suffer Imprisonment for the space of Seven years, without Bail or Pardon.

F I N I S



